

## **REMARKS**

The December 2, 2009 Office Action identifies the following issues:

- Claims 1-11 and 29 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,681,280 to Rusk (“Rusk”).
- Claims 29-30 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,319,251 to Tu (“Tu”).
- Claim 12 stands rejected under 35 U.S.C. §103(a) as unpatentable over Rusk.

The following remarks address each of these issues and places the present application in condition for allowance.

### **Claims 1-11 and 29 Are Patentable Over Rusk**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2133.

Claims 1 and 29 have been amended to include “wherein said spreader rods contain a non-linear segment when in a collapsed state”. Rusk does not teach this feature. Instead, Rusk teaches that “a plurality of distal end segments 20 are flexible and resilient and configured in a substantially straight shape so that when bending forces are imparted to the segments, the inherent restoring forces of the material itself tend to straighten the segments to their straight or unbent position”. (Rusk, Col. 6 lns 23-27, emphasis added). Therefore, Rusk does not teach or suggest a spreader rod containing a non-linear segment. For at least this reason, claims 1 and 29 and all dependent claims are patentable over Rusk.

### **Claims 29 and 30 Are Patentable Over Tu**

Claim 29 has been amended to include “wherein said spreader rods contain a non-linear segment when in a collapsed state”. Tu does not teach or suggest such a structure. For at least this reason, claim 29 and all dependent claims are patentable over Tu.

### **Claims 12 Is Patentable Over Rusk**

Since claim 1 is patentable over Rusk as described above, all dependent claims are patentable over Rusk. Therefore, because claim 12 depends on claim 1, claim 12 is patentable over Rusk.

### **CONCLUSION**

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification.

Respectfully submitted,

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